

REMARKS

Applicants thank the Examiner for the careful consideration given to this application. Reconsideration and allowance are now respectfully requested in view of the amendment above and the following remarks. Claims 1, 3-7 and 9-14 are pending in this application. Claims 1 and 7 are independent claims. Claims 1, 3-7 and 9-14 are amended. Claims 2 and 8 are cancelled without prejudice or disclaimer.

Claim Rejections under 35 U.S.C. §102

Claims 1-14 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,855,976 to Notaras et al. (hereinafter "Notaras"). This rejection is respectfully traversed.

Applicants submit that Notaras fails to teach or suggest each of the elements recited in the pending claims. Independent claim 1, in part, recites "locating said generally planar air filter in a plane which is substantially parallel to the axis of rotation of said fan and substantially parallel to a tangent to the outer circumference of said fan at said air exit region." Independent claim 7 recites similar features. Notaras fails to teach or suggest at least these features.

Page 2, lines 6-14 of the present application discusses Notaras and discloses that:

US Patent No. 3,855,976 granted to the present applicant discloses a substantially self-cleaning air filter system in which air from the fan powered by the engine was directed to pass over a fine mesh screen. The screen both had a large surface area, and was substantially perpendicular to the axis of rotation of the fan. The advantage of such an arrangement is that it meant that the engine operator was not obliged to laboriously clean the air filter at frequent specified operational periods (eg every 10 hours of operation). Instead this prior art filter needed only relatively infrequent cleaning. (emphasis added)

As noted above, the present application notes that according to Notaras, the filter lies in a plane which is perpendicular to the axis of the rotation of the fan. In contrast, the presently pending claims recite that the filter lies "in a plane which is substantially parallel to the axis of rotation of said fan" and also lies in a plane which is "substantially parallel to a tangent to the outer circumference of said fan at said air exit region." (emphasis added)

Thus, there is significant difference in the positioning of the filter of the presently pending claims relative to the fan as compared to the positioning of the filter and fan in Notaras.

While the figures of Notaras are not particularly clear with respect to the positioning of the filter relative to the fan, Fig. 3 of Notaras is most relevant as it illustrates a top plan view. Based on Fig. 3, the axis of rotation of the fan extends from the top to the bottom of the page and lies in the page. The filter is in a plane which is perpendicular to this axis. The cylinder with its cooling fins which lies to the right thereof, is not illustrated in Fig. 3.

To further illustrate the difference between the pending claims and the disclosure of Notaras, Applicants attach a drawing sheet illustrating a perspective view and a front elevation of based on the disclosure of Notaras. As shown in the perspective view, the axis of rotation of the fan is perpendicular to the plane in which the filter lies. Therefore, Notaras clearly fails to teach or suggest "locating said generally planar air filter in a plane which is substantially parallel to the axis of rotation of said fan and substantially parallel to a tangent to the outer circumference of said fan at said air exit region," as recited in claim 1, and the similar features recited in claim 7.

Based on the distinctions noted above, Applicants respectfully submit that Notaras fails to teach or suggest each of the elements recited in claims 1 and 7. Each of claims 3-6 and 9-14 depends on claims 1 and 7 and incorporates all of the features of claims 1 and 7, in addition to the further features recited in claims 3-6 and 9-14. Hence, Notaras also fails to anticipate or make obvious the elements recited in claims 3-6 and 9-14. Therefore, Applicants respectfully request that this rejection of claims 1-14 under 35 U.S.C. §102 be withdrawn.

Disclaimer

Applicants may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

CONCLUSION

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

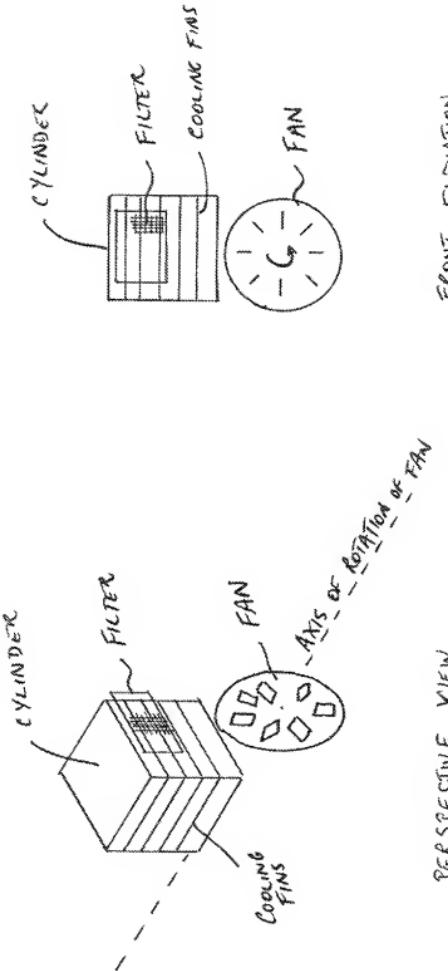
Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 22216-00018-US1 from which the undersigned is authorized to draw.

Dated: January 4, 2010

Respectfully submitted,

Enclosure: Drawing illustrating
Perspective View and Front Elevation of
U.S. Patent No. 3,855,976

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